

**MINNESOTA DEPARTMENT OF HUMAN SERVICES
ADOPTION ASSISTANCE AGREEMENT**

The commissioner of the Minnesota Department of Human Services is authorized to enter into Adoption Assistance Agreements pursuant to Minnesota Statutes, section 259.67.

_____, (hereinafter “placing agency”), has certified _____ (hereinafter the “child”), who was born on _____ as eligible for Title IV-E state funded Adoption Assistance. The following agreement has been entered into by and between the commissioner of the Minnesota Department of Human Services (hereinafter “commissioner”), _____ (hereinafter “adoptive parent(s)”), and the placing agency for the purpose of facilitating the legal adoption of the child and to aid the adoptive family in providing proper care for the child.

This document is the initial Adoption Assistance Agreement. The adoptive parent(s) agree that they intend to adopt the child named above, and that they have signed this document prior to finalization of the adoption. The agreement is subject to the court granting the adoption petition and begins on the date that the adoption decree is issued.

This document is the initial Adoption Assistance Agreement. The finalization of the adoption for the child named above has already occurred; eligibility for Adoption Assistance has been ordered through a fair hearing. A copy of the order issued by the Appeals and Regulations Division is attached to this agreement. The agreement is effective from the date indicated in the order.

PROVISIONS OF AGREEMENT

I. Assistance

A. Monthly Adoption Assistance

1. Total Monthly Payment

The monthly payment shall total \$_____ per month.

This child’s eligibility for Adoption Assistance is based solely on the child being at high risk of developing physical, mental, emotional, or behavioral disabilities. When a child’s eligibility for Adoption Assistance is based upon the high risk of developing physical, mental, emotional, or behavioral disabilities, no payment will be made unless and until the potential disability manifests itself as documented by an appropriate professional, and the commissioner authorizes commencement of a payment by modifying this agreement accordingly.

The placing agency must identify resources available to meet the child’s special needs before the amount of the monthly payment is determined. The amount of the monthly adoption assistance payment shall not exceed the monthly foster care maintenance payment and difficulty of care payment for the child if s/he was in a foster home in Minnesota. Adjustments in the monthly adoption assistance amount may be made with the concurrence of the adoptive parent(s) and the commissioner.

For state funded Adoption Assistance Agreements only: the amount of the monthly adoption assistance payment is subject to the availability of state funds.

2. Basic Maintenance Payment

A monthly basic maintenance needs payment is available to assist in meeting the basic needs of the child, such as food, clothing and shelter. Monthly basic maintenance payments for adoption assistance are made according to the following schedule:

Ages birth-5	up to \$247/month
Ages 6-11	up to \$277/month
Ages 12-14	up to \$307/month
Ages 15-17	up to \$337/month
Ages 18-22	up to \$337/month (if the agreement is extended to these ages under Section VIII).

The basic maintenance needs payment will automatically increase as the child ages, unless the adoptive parent(s) indicate in writing to the commissioner that they do not wish to receive such increases.

3. Monthly Supplemental Maintenance Payment

A supplemental maintenance payment is in addition to the basic maintenance needs payment and is available when a child has a diagnosed physical, mental, emotional, or behavioral disability that requires care, supervision, and structure beyond that ordinarily provided in a family setting for a child of the same age. The amount of payment for supplemental maintenance is based on the severity of the child’s needs and the effect of the child’s needs on the adoptive family. The certifying agency agrees to assess the child to determine eligibility for supplemental adoption assistance using the Supplemental Adoption Assistance Needs Assessment form prescribed by the commissioner.

The placing agency has assessed the child at the following supplemental level:

- No supplemental level
- Level I (up to \$150/month)
- Level II (up to \$275/month)
- Level III (up to \$400/month)
- Level IV (up to \$500/month)

If changes in the child’s physical, mental, emotional, or behavioral condition occur that the adoptive parent(s) believes may qualify the child for a supplemental maintenance payment, or change the level of supplemental maintenance payments for which the child qualifies, the adoptive parent(s) may contact the county social service agency where the child resides, in writing, so the child can be reassessed. If the child resides outside of Minnesota, the adoptive parent(s) may contact the placing agency to provide the reassessment.

B. Medical Care

1. Medical benefits as provided under Title XIX of the Social Security Act (Medicaid) will be available to the child in accordance with the procedures of the state where the child resides.

Children with Title IV-E Adoption Assistance Agreements will be provided Medicaid through their state of residence. Children with state funded Adoption Assistance Agreements have a special need for medical or rehabilitative care. Children with state funded Adoption Assistance Agreements who reside in Minnesota will be provided medical coverage through Medical Assistance, Minnesota’s Medicaid program. Children with state funded Adoption Assistance Agreements who reside outside of Minnesota will be provided Medicaid through their state of residence, if that state has reciprocity with Minnesota, and the child meets the Medicaid eligibility requirements in their state of residence. If there is not reciprocity, or the child does not meet Medicaid eligibility requirements in their state of residence, Medical Assistance will be provided through Minnesota. Coverage is limited to providers authorized by Minnesota’s Medical Assistance program and according to program rules in Minnesota.

2. For children who reside in Minnesota at the time the adoption is finalized, the Adoption Assistance Program will notify the Medicaid office in the child’s county of residence immediately after adoption finalization to enroll the child in the Medical Assistance program. If the adoptive child resides in a state other than Minnesota at the time the adoption is finalized, the

Adoption Assistance Program will notify the Medicaid office in the state of residence and that state will contact the adoptive parent(s) with information about the Medicaid program in that state.

3. If a child moves to another state after the Adoption Assistance Agreement is in effect, the adoptive parent(s) agrees to contact the Adoption Assistance Program to receive information about the child's eligibility for Medicaid in their new state of residence, and assistance with enrolling the child, if eligible. Children with Title IV-E Adoption Assistance Agreements will be provided Medicaid through their state of residence. Children with state funded Adoption Assistance Agreements who move outside of Minnesota will be provided Medicaid through their state of residence, if that state has reciprocity with Minnesota and the child meets the Medicaid eligibility requirements in their state of residence. If there is not reciprocity, or the child does not meet Medicaid eligibility requirements, Medical Assistance will be provided through Minnesota. Coverage is limited to providers authorized by Minnesota's Medical Assistance program and according to program rules in Minnesota.
4. The adoptive parent(s) agrees to cooperate with and abide by the Medicaid program rules and procedures of the state which provides Medicaid. Some states may require primary coverage of the child by a family health insurance plan, if available. Medicaid requires prior authorization for certain medical services. Coverage of medical services will be limited to items provided for by Medicaid program rules in the state providing coverage. **Items covered by Medicaid vary from state to state.**
5. Reimbursement from the Adoption Assistance Program is not available for any service or item covered under Medicaid, or for any service or item that Medicaid has determined is not medically necessary.

C. Non-medical Needs

1. Reimbursement is available for certain non-medical services and special costs required to meet a child's special needs as documented in their Adoption Assistance Certification and supporting documentation. **Reimbursement for non-medical services or special costs is not available for a child whose eligibility for Adoption Assistance is based solely on being at high risk of developing physical, mental, emotional, or behavioral disabilities, unless and until the potential disability manifests itself as documented by an appropriate professional, and the commissioner authorizes reimbursement for non-medical services or special costs by modifying this agreement accordingly.**

Minnesota Rules, part 9560.0083, subpart 7, limits reimbursement to the following non-medical services and special costs:

- a. Services prescribed by a physician, psychologist, or developmental specialist for children under age 3 who are developmentally delayed, and services are not available through the public school system
- b. Child care during the hours of employment, training or education of the adoptive parent(s) (maximum reimbursement rate is limited to the amount the county social service agency would pay for a trained caregiver in the home or in a licensed daycare facility, or the amount the adoptive parent(s) would pay under the child care sliding fee program)
- c. Family counseling required to meet a child's needs (reimbursement limited to amount insurance will not cover to include the family in counseling)
- d. Post adoption counseling to promote a child's integration into the adoptive family (reimbursement limited to 12 sessions provided in the year following the issuance of the adoption decree)

- e. Respite care (reimbursement limited to a maximum of 504 hours annually at the respite care rate set by the county social service agency)
 - f. A portion of burial expenses, if a child's special needs result in their death (maximum reimbursement of \$1,000)
 - g. Camping programs adapted to meet the child's special needs (reimbursement limited to a maximum of two weeks of camp per year)
 - h. Specialized communication equipment prescribed through the public school district, but not covered by educational, vocational, or other rehabilitation services
 - i. Alterations to the family home or vehicle to accommodate a child's special physical needs (three itemized estimates of the cost must be submitted with requests to accommodate special physical needs).
2. The adoptive parent(s) agrees to contact the Adoption Assistance Program for instructions to access reimbursement services at least 30 days before making an expenditure for which reimbursement will be sought. Failure to obtain prior authorization will result in denial of payment for the expense.
 3. The adoptive parent(s) agrees to submit requests for reimbursement of services on a monthly basis. The state fiscal year ends on June 30. Reimbursement requests for expenditures between July 1 and June 30 of a given fiscal year must be submitted by August 29 of the subsequent fiscal year for reimbursement.
 4. Reimbursements are subject to Adoption Assistance Program rules and adoptive parent(s) may be required to apply for services through their county social service agency before receiving reimbursement. Eligibility for services from the county social service agency may be considered in authorizing approvals for reimbursement.

D. Nonrecurring Adoption Expenses

The commissioner agrees to reimburse the adoptive parent(s) for expenses that are reasonable and necessary for an adoption to occur, subject to a maximum of \$2,000. The expenses must directly relate to the legal adoption of a child, not be incurred in violation of state or federal law, and not reimbursed from other sources or funds. Reimbursement requests for these expenses must be received by the Adoption Assistance Program within 21 months of the date of the final decree of adoption.

E. Collection of Overpayments

Any adoption assistance paid to the adoptive parent(s) in excess of the payment due is recoverable by the commissioner, even when the overpayment was caused by agency error or circumstances outside the responsibility and control of the family or service provider. If it is determined by the commissioner that an overpayment was made to the adoptive parent(s), the commissioner shall have authority to collect the overpayment through a mutual agreement with the adoptive parent(s). If this results in an unsuccessful collection, the commissioner shall have authority to pursue other collection efforts. Adoption assistance amounts covered by this section include basic maintenance needs payments, monthly supplemental maintenance needs payments, reimbursement of non-recurring adoption expenses, and reimbursement of special non-medical costs.

F. Education Stability

A child who has attained the minimum age for mandatory school attendance under State or Tribal law must be a full time elementary or secondary school student, has completed secondary school, or is medically incapable of attending school on a full time basis.

II. Notification of Change

- A. The adoptive parent(s) agrees to notify the commissioner in writing within 30 days of the following changes for the duration of this agreement:

- Change in the family's address
- Change in a child's legal guardian(s)
- Child's completion of high school, if this occurs after a child attains age 18
- Date of termination of the parental rights of the adoptive parent(s), transfer of permanent legal and physical custody to another person, or other determination that the adoptive parent(s) is no longer legally responsible for support of a child
- Date the adoptive parent(s) is no longer providing any support to a child
- Date of death of a child
- Date of death of the adoptive parent(s)
- Date a child enlists in the military
- Date of marriage of a child
- Date a child becomes an emancipated minor
- Separation or divorce of the adoptive parents
- Residence of a child outside the adoptive home for a period of more than 30 consecutive days.

B. Notification of any of the above changes must be provided to the commissioner at:

Minnesota Department of Human Services
 Adoption Assistance Program
 PO Box 64944
 St. Paul, MN 55164-0944

III. Modification of Terms

- A. This agreement is subject to modification when a significant change in a child's circumstances affects the need for or amount of the monthly payment.
- B. The parties to the agreement may, at any time, request modification of the agreement. The request must be made in writing.
- C. The commissioner will modify this agreement to comply with changes to federal or state law or rules related to the Adoption Assistance Program. The commissioner will notify the adoptive parent(s) in writing of the applicable statutory or regulatory amendments and the modifications to the agreement.
- D. When a modification to the agreement is requested by the adoptive parent(s) or the commissioner, or when such modification is warranted by changes in the child's condition or circumstances, the commissioner shall negotiate the modification with the adoptive parent(s). In the event that the commissioner and the adoptive parent(s) are unable to agree upon the modification proposed by either party, the adoptive parent(s) may file an appeal pursuant to Section VI of this agreement.
- E. Any modifications deemed to be material by either the commissioner or the adoptive parent(s) shall be executed in a written amendment and signed by the adoptive parent(s) and the commissioner. Modifications deemed immaterial by agreement of the adoptive parent(s) and the commissioner shall not require written approval.
- F. The county social service agency in the county where the child resides will assist the commissioner and the adoptive parent(s) with review or modification of the agreement when requested by either party. If a child resides outside of Minnesota, the placing agency will assist the commissioner and the adoptive parent(s) with review or modification of the agreement when requested by either party.

IV. Termination of Agreement

A. This agreement will be terminated in any of the following circumstances:

- A child attains the age of 18, unless the commissioner has granted an extension as outlined in Section VIII
- Termination of the parental rights of the adoptive parent(s), transfer of permanent legal and physical custody to another person, or other determination that the adoptive parent(s) is no longer legally responsible for support of a child
- Determination by the commissioner that the adoptive parent(s) is no longer providing any support to a child
- The death of a child
- The death of the adoptive parent(s) of a child (the death of one parent in a single parent family or the death of both parents in a two parent family)
- A child enlists in the military
- A child marries
- A child becomes an emancipated minor
- Upon the written request of the adoptive parent(s).

V. Interstate Compact on Adoption and Medical Assistance

The interests of a child are protected through the Interstate Compact on Adoption and Medical Assistance. This agreement will remain in effect regardless of the state in which the adoptive parent(s) resides at any given time.

VI. Appeal

The adoptive parent(s) may appeal the commissioner's modification or termination of this agreement, or denial of payments or reimbursements under this agreement, in accordance with the state's fair hearing and appeal process, according to Minnesota Statutes, section 256.045. The appeal shall be initiated with a written request to the commissioner within 30 days after receiving written notice of the action of the commissioner, or within 90 days if the parent(s) shows good cause why the request was not submitted within the 30-day time limit. Requests for appeals must be sent to:

Minnesota Department of Human Services
Appeals and Regulations Division
PO Box 64941
St. Paul, MN 55164-0941

VII. Data Practices

All information collected and maintained for this program is governed by the Minnesota Government Data Practices Act, Chapter 13 of Minnesota Statutes. Under the act, information on individuals may be shared within the welfare system as necessary to ensure eligibility for and receipt of services. Private data on individuals may not be shared outside of the welfare system without informed consent of the individual. Adoptive parents of children receiving adoption assistance are not part of the welfare system under the Minnesota Government Data Practices Act.

VIII. Term

Unless termination occurs as a result of one or more of the conditions set forth in Section IV, or an extension is granted, this agreement will terminate when the child attains the age of 18 on _____.

The commissioner may approve an extension of the agreement if a child is enrolled in high school or an equivalent secondary education program or if a child is incapable of self-sustaining employment because of a physical or mental disability upon which eligibility for adoption assistance was based. The agreement will not be extended beyond the date a child attains age 22. If an agreement is extended beyond the date a child attains age 21, [including children adopted at age 16 or older], the funding will be from state funds only; eligibility for federal reimbursement terminates when a child attains age 21. Eligibility for Medical Assistance based on eligibility for adoption assistance terminates at age 21.

For children adopted at age 16 or older, the commissioner may approve an extension of the agreement to age 21, as long as a child is enrolled in high school or an equivalent secondary education program, enrolled in an institution which provides post-secondary or vocational school, is employed at least 80 hours a month, is participating in a program or activity designed to remove employment barriers, or is incapable of doing any of the previously described educational or employment activities due to a medical condition.

Prior to a child attaining age 18, the commissioner will send a letter to the adoptive parent(s) providing instructions on how to apply for an extension of the agreement. The extension will not be effective until the adoptive parent(s) returns the signed amendment; if the signed amendment is not received prior to the end date of the current agreement, the Adoption Assistance Agreement terminates.

IX. Continuation of the Agreement

For state funded Adoption Assistance Agreements only: the continuation of this agreement is subject to availability of state funds. If at any time appropriated funds are insufficient to meet program costs through the end of the fiscal year, the commissioner shall modify the amount of financial assistance under this agreement. If at any time such funds become unavailable, the commissioner shall suspend financial assistance under this agreement until sufficient funds become available. The commissioner shall notify the adoptive parent(s) in writing of any modification or suspension made under this paragraph. This will not affect a child's eligibility for Medical Assistance/Medicaid.

X. Assignment

With the written consent of the commissioner, adoption assistance payments may be made to an individual who is a guardian or conservator appointed by the court for a child upon the death or termination of parental rights of the adoptive parent(s), unless a child is in the custody of an authorized child placing agency. Upon assignment of payments pursuant to this section, funding will be from state funds only; eligibility for federal reimbursement terminates with the court appointment. If a child is subsequently adopted, eligibility for adoption assistance through Title IV-E will be reconsidered according to Title IV-E regulations.

XI. Effective Date

This agreement is effective on the date the final decree of adoption is issued, and is annually the "anniversary date" of the agreement.

Agreed

Signature of placing agency director
or director's designee

Signature of adoptive parent #1

Type name of placing agency director
or director's designee

Type full legal name of adoptive parent #1

Date

Social Security number of adoptive parent #1

Signature of adoptive parent #2

Type full legal name of adoptive parent #2

Social Security number of adoptive parent #2

Street, R.R., or PO Box

City, state, zip code

Telephone number

E-mail address

Date

COMMISSIONER OF HUMAN SERVICES

By: _____
Commissioner's designated agent

Date: _____

- Cc: Certifying agency
- County social service agency in the child's county of residence
- Adoptive parents(s) (two copies)
- Minnesota Department of Human Services, Adoption Assistance (two copies)

Agency instructions: This is a legal document. All copies must be completely legible and on single pages. Do not use whiteout fluid or pencil on the agreements. Do not include agency instructions on the final agreements. Pages must be numbered. Six final copies of the agreement must be submitted, all six copies must be signed by each party to the agreement, and the signatures must be original. Parties who sign the agreement must include the date the agreement was signed. All signatures should be on the same page. Attach agreements to the Adoption Assistance Certification and submit to: Minnesota Department of Human Services, Adoption Assistance Program, PO Box 64944, St. Paul, MN 55164-0944.